

105TH CONGRESS  
2D SESSION

# S. 2586

To amend parts A and D of title IV of the Social Security Act to require States to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and to disregard any child support that the family receives in determining the family's level of assistance under that program.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 8 (legislative day, OCTOBER 2), 1998

Mr. KOHL introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend parts A and D of title IV of the Social Security Act to require States to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and to disregard any child support that the family receives in determining the family's level of assistance under that program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Children First Child  
3 Support Reform Act of 1998”.

4 **SEC. 2. DISTRIBUTION AND TREATMENT OF CHILD SUP-**  
5 **PORT COLLECTED BY OR ON BEHALF OF**  
6 **FAMILIES RECEIVING ASSISTANCE UNDER**  
7 **TANF.**

8 (a) REQUIREMENT TO PASS ALL CHILD SUPPORT  
9 COLLECTED DIRECTLY TO THE FAMILY.—

10 (1) IN GENERAL.—Section 457 of the Social  
11 Security Act (42 U.S.C. 657) is amended—

12 (A) by striking all that precedes subsection  
13 (f) and inserting the following:

14 **“SEC. 457. DISTRIBUTION OF COLLECTED SUPPORT.**

15 **“(a) DISTRIBUTION TO FAMILY.—**

16 **“(1) IN GENERAL.—**Subject to paragraph (2)  
17 and subsection (f), any amount collected on behalf of  
18 a family as support by a State pursuant to a plan  
19 approved under this part shall be distributed to the  
20 family.

21 **“(2) FAMILIES UNDER CERTAIN AGREE-**  
22 **MENTS.—**In the case of an amount collected for a  
23 family in accordance with a cooperative agreement  
24 under section 454(33), the State shall distribute the  
25 amount so collected pursuant to the terms of the  
26 agreement.

1       “(b) HOLD HARMLESS PROVISION.—If the amounts  
 2 collected which could be retained by the State in the fiscal  
 3 year (to the extent necessary to reimburse the State for  
 4 amounts paid to families as assistance by the State) are  
 5 less than the State share of the amounts collected in fiscal  
 6 year 1995, the State share for the fiscal year shall be an  
 7 amount equal to the State share in fiscal year 1995.”;

8               (B) by redesignating subsection (f) as sub-  
 9 section (c); and

10              (C) in subsection (c) (as so redesignated),  
 11 by striking “Notwithstanding” and inserting  
 12 “AMOUNTS COLLECTED ON BEHALF OF CHIL-  
 13 DREN IN FOSTER CARE.—Notwithstanding”.

14       (2) CONFORMING AMENDMENTS.—

15              (A) Section 409(a)(7)(B)(i)(I)(aa) of the  
 16 Social Security Act (42 U.S.C.  
 17 609(a)(7)(B)(i)(I)(aa)) is amended by striking  
 18 “457(a)(1)(B)” and inserting “457”.

19              (B) Section 454B(c) of such Act (42  
 20 U.S.C. 654b(c)) is amended by striking  
 21 “457(a)” and inserting “457”.

22       (b) DISREGARD OF CHILD SUPPORT COLLECTED  
 23 FOR PURPOSES OF DETERMINING AMOUNT OF TANF AS-  
 24 SISTANCE.—Section 408(a) of the Social Security Act (42

1 U.S.C. 608(a)) is amended by adding at the end the fol-  
 2 lowing:

3 “(12) REQUIREMENT TO DISREGARD CHILD  
 4 SUPPORT IN DETERMINING AMOUNT OF ASSIST-  
 5 ANCE.—

6 “(A) IN GENERAL.—A State to which a  
 7 grant is made under section 403 shall disregard  
 8 any amount received by a family as a result of  
 9 a child support obligation in determining the  
 10 amount or level of assistance that the State will  
 11 provide to the family under the State program  
 12 funded under this part.

13 “(B) OPTION TO INCLUDE CHILD SUPPORT  
 14 FOR PURPOSES OF DETERMINING ELIGI-  
 15 BILITY.—A State may include any amount re-  
 16 ceived by a family as a result of a child support  
 17 obligation in determining the family’s income  
 18 for purposes of determining the family’s eligi-  
 19 bility for assistance under the State program  
 20 funded under this part.”.

21 (c) ELIMINATION OF TANF REQUIREMENT TO AS-  
 22 SIGN SUPPORT TO THE STATE.—

23 (1) IN GENERAL.—Section 408(a) of the Social  
 24 Security Act (42 U.S.C. 608(a)) is amended by  
 25 striking paragraph (3).

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 452 of the Social Security Act  
3 (42 U.S.C. 652) is amended—

4 (i) in subsection (a)(10)(C), by strik-  
5 ing “section 408(a)(3) or under”; and

6 (ii) in subsection (h), by striking “or  
7 with respect to whom an assignment pur-  
8 suant to section 408(a)(3) is in effect”.

9 (B) Section 454(5) of such Act (42 U.S.C.  
10 654(5)) is amended by striking “(A) in any  
11 case” and all that follows through “the support  
12 payments collected, and (B)”.

13 (C) Section 456(a) of such Act (42 U.S.C.  
14 656(a)) is amended—

15 (i) in paragraph (1), by striking “as-  
16 signed to the State pursuant to section  
17 408(a)(3) or”; and

18 (ii) in paragraph (2)(A), by striking  
19 “assigned”.

20 (D) Section 464(a)(1) of such Act (42  
21 U.S.C. 654(a)(1)) is amended by striking “sec-  
22 tion 408(a)(3) or ”.

23 (E) Section 466(a)(3)(B) of such Act (42  
24 U.S.C. 666(a)(3)(B)) is amended by striking  
25 “408(a)(3) or ”.

1 (F) Section 458A(b)(5)(C)(i)(I) of the So-  
2 cial Security Act (42 U.S.C.  
3 658a(b)(5)(C)(i)(I)), as added by the Child  
4 Support Performance and Incentive Act of  
5 1998 (Public Law 105–200; 112 Stat. 645) is  
6 amended by striking “A or”.

7 (d) EFFECTIVE DATES.—

8 (1) IN GENERAL.—Except as provided in para-  
9 graph (2), the amendments made by this section  
10 take effect on October 1, 1998.

11 (2) CHILD SUPPORT PERFORMANCE AND IN-  
12 CENTIVE ACT CONFORMING AMENDMENT.—The  
13 amendment made by subsection (c)(2)(F) shall take  
14 effect on October 2, 1999.

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